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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,270	07/11/2003	Gerald W. Henning		4848

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/618,270

Applicant(s)

HENNING ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,16-22,24,25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,5,11-14,16-22 and 24 is/are allowed.
- 6) ☒ Claim(s) 7-10,25 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/618,270, Flat Panel Monitor Support Arm, filed on July 11, 2003.

Drawings

The drawings were received on November 19, 2004. These drawings are acceptable.

Cancellation of Claims

Claims 3, 15, 23, and 26 have been canceled per applicant's request.

Claim Objections

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6 currently depends from canceled claim 3.

Claim 12 is objected to because of the following informality: in claim 12, line 4, a period should be inserted after "base". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 7-10, 25, 27, and 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 7, the recitation of the phrase "wherein said flexible arm segment includes at least one flexible tube" is ambiguous, in claim 1 discloses that the flexible arm segment includes a plurality of tubes which would imply that at least one tube is claimed.

Claim 25 recites the limitation "each flexible arm segment" in line 7. There is insufficient antecedent basis for this limitation in the claim. The previous recitation is only drawn to "a flexible arm segment" cited in line 3 of the claim.

Claim 29 recites the limitation "said flexible arm segment" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitations "said fixed tube" in line 1 and "said floating tube" bridging lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,008,793 to Copeland. Copeland discloses a support arm (10) comprising: a base

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(12) having a mounting means (14) for mounting the base to a mounting structure; a rigid arm segment (11); a flexible arm segment (18), the rigid arm and the flexible arm segment being connected to one another, the rigid arm segment and the flexible arm segment having a first end and a second end, the first end being connected to the base; a component mount (16) connected to the second end of the segments; and the flexible arm segment includes at least one flexible tube (20), the flexible tube having a core (19) with an absence of memory, so that the flexible tube will return to an original position following flexure.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Copeland in view of U.S. Patent 3,991,445 to Pennell. Copeland discloses a support arm comprising: a mounting base (14); a flexible arm segment (10) mounted to the base, the flexible arm segment including a core (19), a casing (20) surrounding the core; a component mount (11, 18, 22) connected to the arm segment; and wherein the flexible arm segment includes a plurality of discrete flexible tubes (17) extending substantially parallel to one another.

Copeland discloses the claimed invention except for the limitation of a void defined between the core and the casing and a filling material substantially filling the void. Pennell teaches a flexible tube having a core (14), a flexible casing (18)

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surrounding the core in a spaced apart relationship to define a void, and a filler material (12 & 16) substantially filling the void. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the flexible tube in Copeland to have included the flexible tube as taught by Pennell for the purpose of providing a flexible tube that is reinforced to alleviate wear and tear on the tube.

Allowable Subject Matter

Claims 1, 2, 4, 5, 11-14, 16-22, and 24 are allowed.

Claims 7-10, 27, and 30-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments, see remarks, filed November 19, 2004, with respect to claims 1, 2, 7, 8, 12-14, 21, and 22 have been fully considered and are persuasive. The rejections of claims 1, 2, 7, 8, 12-14, 21, and 22 have been withdrawn.

Applicant's arguments, see remarks, filed November 19, 2004, with respect to the rejection(s) of claim(s) 25 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Copeland and Pennell.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
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April 5, 2007